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universality of the rules in the Twelve Tables, or the *Leges Barbarorum*, there lies the culture of two thousand years."

W. C. J.

CRIMINAL LAW: DUTY OF FATHER TO SUPPORT HIS CHILD ALTHOUGH OTHERS CARE FOR IT.—In the prosecution of a father for failure to support his minor children, the Utah court in *State v. Bess*¹ held that it was no defense that the wants of the children were supplied by the charity of third persons. The holding is in accord with *Hunter v. State*² and the weight of authority and contrary to the contention of counsel, considered but not made the basis of the decision, by the California District Court of Appeal in *People v. Hartman*.³

C. S. J.

CRIMINAL LAW: PHYSICIANS: NEGLIGENCE.—Where a physician is indicted for "criminal negligence and ignorance" in treating a patient, it has long been a controverted question whether he is to be judged by the external standard of professional skill in the community¹ or by the internal standard of his own state of mind, so that actual good intent and expectation of good results is an absolute justification.² The case of *State v. Smith*³ sets up a third standard based on the skill possessed by practitioners of the school of healing to which the defendant belongs. It was accordingly held error to admit the opinions of allopaths on the trial of an osteopath. Healers by unorthodox methods must therefore form a school in order to take advantage of a defense based upon their own methods. This seems to be the effect also of the statute in California licensing healers as physicians and surgeons or as drugless practitioners.⁴

The result seems fair; it recognizes that methods of treatment change and theories differ. The law does enough in general if it prevents deception by compelling each practitioner to indicate the school to which he belongs. It is said in the principal case, "These are times of advanced science and liberal thought when every person may think and act for himself. Every community has its multitude of beliefs and modes of treatment of diseases and human ailments, and every citizen is absolutely free to adopt, believe, or employ any one he pleases." If the legislature believes the public is in danger by this freedom, it may require, as it has done, certain studies as prerequisite for a license, or may forbid or prescribe certain methods of treatment.

A. M. K.

¹ (Dec. 22, 1913) 137 Pac. 289 (Utah).

² (1913) 134 Pac. 1134. (Okl.)

³ (1913) 17 Cal. App. Dec. 419, 137 Pac. 611; 2 Cal. Law Rev. 145.

⁴ *Commonwealth v. Pierce*, (1884) 138 Mass. 165.

⁵ *State v. Schulz*, (1881) 55 Ia. 698, 39 Am. Rep. 187.

⁶ (Feb. 7, 1914) 138 Pac. (Idaho) 1107.

⁷ Cal. Statutes, 1913, p. 722.